IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 270 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

INDRANIL S RAJGURU

Versus

SUB REGISTRAR RAJKOT NO.3

Appearance:

1. Special Civil Application No. 270 of 2003

MR SANDEEP N BHATT for Petitioner No. 1-2

GOVERNMENT PLEADER for Respondent No. 1-5

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 24/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP Shri S.R. Gori for the respondents. At the request of

the learned advocates, the petition is finally heard today.

2. Looking to the manner in which the petition can be finally decided, I do not think it necessary to state the facts and circumstances in which the petition has been filed.

3. In pursuance of notices issued by this court, learned AGP Shri Gori has appeared and has submitted that the petitioner has approached this court without exhausting equally efficacious alternative statutory remedy. It has been submitted by him that the entire subject-matter of the petition can be considered by respondent No. 3 if an application is submitted to him under the provisions of sec. 80-A of the Registration Act, 1908 (hereinafter referred to as 'the Act').

4. Upon perusal of sec. 80-A of the Act, it appears that the Inspector General of Registration is competent to take a final decision with regard to the refund. The grievance, which the petitioner has ventilated in this petition, is with regard to not getting the refund and, therefore, in my opinion, it would be just and proper if the Inspector-General of Registration, i.e., respondent No. 3, is directed to look into the grievance of the petitioner. This petition be treated as an application submitted by the petitioner to him under sec. 80-A of the Act. The Inspector-General of Registration is directed to decide the matter after giving hearing to the petitioner. I am sure that he shall consider all submissions made in the petition and the submissions, which might be made before him by the petitioner or his representative at the time of hearing. He shall decide the application as soon as possible and preferably with 3 months from the date of receipt of writ of this court.

5. The petition stands disposed of accordingly. Rule is made absolute to the above extent with no order as to costs. D.S. permitted.

(A.R. Dave, J.)

(hn)